

JAMES EVERETT SHELTON

Plaintiff

v.

FCS CAPITAL LLC, ET AL.
Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

No. 2:18-cv-03723-NIQA

MOTION FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF

Defendants, by and through their attorneys, respectfully moves pursuant to **Rule 65(a) of the Federal Rules of Civil Procedure and Local Rule 65.1**, for a motion for Emergency Injunctive And Declaratory Relief.

In support thereof Plaintiff states:

A. Background Material Facts

Since the last order denying the motion to reconsider, a few very crucial facts have come to light regarding Plaintiff and his ongoing scheme. First, we now have third party evidence that not only has Shelton been working with others to continue this ongoing scheme, but he has also contacted others to now continue to harass the same defendants in this matter. First, is the new transcripts were recently received and clearly shows that Plaintiff has not problem pursuing not only his own actions, but enlisting others to work with him as well. (See Exhibit A – May 15, 2020 Transcripts.) In it, Shelton is speaking with an individual, who he later unsuccessfully sued because this individual refused to work with him, and has clearly shown he’s researched this person as a potential “target” (See Exhibit A, page 2, lines 2-18). He goes on further, to stated “But if I had a judgment against you, I mean, I 100 percent could put a lien against your house. And -- and that

would be a sizable amount of equity that I could conceivably take.” (See Exhibit A, page 3, lines 9-12).

He then elaborated on his scheme by saying “MR. SHELTON: I understand. It's like – I research these people a lot before I even write them a demand letter, because I want to know, Okay, do they own real property? Do they have bank accounts? Do they have money? How -- how big is their company? How many employees do they have? All that -- I research that stuff in advance. And if they're a small -- if they're -- if they're driving a brand new Mercedes or -- or a Lambo or something, or they're living in a brand new house, then they can afford to pay me.” (See Exhibit A, page 4, lines 21-25 to page 5, lines 1-5). Additionally, he states, “MR. SHELTON: Meanwhile, I know -- I know where the person banks before I even -- before I even file the case, and how much money they have.” (See Exhibit A, page 5, lines 19-21).

Further elaboration of his scheme is, “MR. SHELTON: Here's the thing -- here's the thing: Like, I sue the people individually and get – get individual liability. So that's the first hurdle. So you can close your company up, but I'm going -- but I'm going to have a judgment against you personally. And that's going -- that's going to mean that I can still levy your personal account. If you own a real -- if you own real property, I can put a lien against it, or I can even -- I mean, I can take -- take it if I want. If -- if there's equity in it, I can take the house. I mean, that -- there's a ton of weapons -- MR. O'HARE: Would you do that? Would you do that? MR. SHELTON: -- that I can use. Yeah. We're in the process of doing it to someone in -- in Southern California right now. But they're -- they're scumbags.” (See Exhibit A, page 6, lines 20-25 to page 7, lines 1-11).

Shelton goes on to stated he, and others, are working together to target and harm these defendants, “MR. SHELTON: Yeah. No. You're right. No. We're pillaging them. No. We're absolutely pillaging them. I mean, that's -- that's the point.” (See Exhibit A, page 5, lines 13-15).

He further elaborates how he works with others, “MR. SHELTON: Oh, yeah. Absolutely. Because what we do is -- not you in particular, but, like, what – what we'll do is we'll say, Hey, yeah, these guys just paid me "X" number of dollars, or, Hey, you know, I just collected a judgment against these guys. I just made \$20,000. Yo. Any of you guys got any calls? Yeah. Sure have. Let's go after them.” (See Exhibit A, page 6, lines 9-15).

This conspiracy is not an ephemeral occurrence either. It is still on going, and proof of this is that soon after the most recent case was initiated, Defendants begin receiving very similar threatening messages from “Heidarpour Law Firm, PLLC.” (See Exhibit B). Further, they have been attempting to respond, however Heidarpour Law Firm, PLLC appears to be using the exact same tactics as the current Plaintiff. Further, Heidarpour Law Firm, PLLC is a serial filing firm, and a known litigant in the TCPA field. As such, it should come as no surprise that they would be willing to work with the likes of the Plaintiff in this matter, particularly if he tipped them of about the case. Further, based on some investigation, it seems more than likely Plaintiff is working with these other serial litigators as well, including those listed in the report found by the third party investigator. (See Exhibit C). Given that the Plaintiff has now admitted to participating in such schemes, and apparently employs the same tactics used here in other cases with other serial litigants, this should be taken into consideration in this case, it should be reopened and further discovery be permitted, to find out if any of Plaintiff’s claims are actually legitimate, or merely part of the ongoing scheme. Further, it should be pointed out that substantially all “outstanding discovery” in this case was in fact responded to, via prior pleadings and actual submissions sent to plaintiff, and relying on the alleged lack of discovery by Plaintiff to procure their summary judgment was improper.

Finally, it should be pointed out that a “renewed” motion to compel was filed on May 25, 2020, and then one day later, without permitting time for a response, the court granted it. We are filing this injunction against such relief concurrently with the motion to reconsider.

Legal Arguments

Specifically, this Court must grant Defendants’ motion for a temporary restraining order of the outstanding post-judgment discovery (“TRO”) because: (1) there is a reasonable probability that they will succeed on the merits; (2) they will suffer irreparable harm in the absence of relief; (3) there will be little or no harm to the defendant if relief is granted; and (4) the public interest supports a grant of relief. *See, e.g., Swartzwelder v. McNeilly*, 297 F.3d 228, 234 (3d Cir. 2002); *Alessi v. Pennsylvania Dep’t of Public Welfare*, 893 F.2d 1444, 1447 (3d Cir. 1990); *Prison Health Servs., Inc. v. Umar*, Civil Action No. 02-2642, 2002 U.S. Dist. LEXIS 12267 (E.D. Pa. May 8, 2002). The standard for a preliminary injunction and a TRO is the same. *Mertz v. Houstoun*, 155 F. Supp. 2d 415, 425 n.12 (E.D. Pa. 2001); *Bieros v. Nicola*, 857 F. Supp. 445, 446-47 (E.D. Pa. 1994). While the degree of probability of success on the merits required to obtain such relief varies among federal courts of appeals, the U.S. Court of Appeals for the Third Circuit requires only a “reasonable likelihood” of success. *See Johnson & Johnson Orthopaedics, Inc. v. Minnesota Mining & Mfg. Co.*, 715 F. Supp. 110, 112 n.1 (D. Del. 1989). Defendants meet each of the four requirements for a temporary restraining order, even though the parties we are requesting to be restrained are not currently parties. Further, Defendants will suffer irreparable harm in the absence of immediate injunctive relief, given the aforementioned facts and outstanding motion to reconsider.

In the *Shelton v Target Advance*, No. 18-2070, 2019 U.S. Dist. LEXIS 64713 (E.D. Pa. Apr. 16, 2019), the court found that “the Plaintiff lacked standing to bring claims predicated on the TCPA’s prohibition against sales calls to telephone numbers listed on the DNC because the

cell number at issue was also for business use, and business numbers are not permitted to be registered on the National Do Not Call Registry.” See Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991, 23 FCC Rcd. 9779, 9785 (June 17, 2008) (“As the Commission has previously stated, the National Do Not Call Registry applies to ‘residential subscribers’ and does not preclude calls to businesses.”); 47 C.F.R. § 64.1200(c). Plaintiff admitted that his phone number is used for business purposes. Business numbers are not permitted to be registered on the Federal Do Not Call registry. As such, no violation has occurred in this case.

The relevant cited rule in the order was “Local R. Civ. P. 26(g)” was presumably a reference to Local R. Civ. P. 26.1(g) which states “A routine motion to compel answers to interrogatories or to compel compliance with a request for production under Fed.R.Civ.P. 34, **wherein it is averred that no response or objection has been timely served**, need have no accompanying brief, and need have no copy of the interrogatories or Rule 34 request attached. The court may summarily grant or deny such motion without waiting for a response.” Additionally, according to FRCP rule 7(d) “Unless otherwise prescribed by these rules, or by order of the court, a response to a motion must be served within 21 days after service of such motion, except that a response to a dispositive motion must be served within 35days after service of such motion. The movant has 21 days after service of the response to a dispositive motion to serve a reply.”

In this case, we had an objection, which was attached to Plaintiff’s motion as part of the email chain. Further, since there was an objection, we should have been granted the time to actually respond to the motion, rather than have it summarily granted. When the court granted the motion to compel one day later, there was no order stating that Defendants’ objection time would be abridged, nor was on requested. Further, the court gave no reason for this abridged time, of approximately one day, as to why this motion should have been granted. There is no good faith

reason for this, and as such, we ask the court reconsider the granting of that motion as well, particularly in light of all evidence presented in this pleading.

WHEREFORE, Defendants respectfully request that this Court immediately enter an Order granting temporary and permanent injunctive relief expressly precluding the further attempt at gathering post-judgment discovery.

Respectfully Submitted,

/s/ Joshua L. Thomas
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JAMES EVERETT SHELTON

Plaintiff

v.

FCS CAPITAL LLC, ET AL.
Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

No. 2:18-cv-03723-NIQA

Upon review of the motion, and any responses hereto, Plaintiff's motion for injunctive relief is hereby GRANTED pending the outcome of the motion to reconsider.

Hon.

CERTIFICATION

I, the undersigned attorney certify that I served a copy of this on Plaintiff, specifically:

BRYAN ANTHONY REO
REO LAW LLC
PO BOX 5100
MENTOR, OH 44061

CLAYTON S. MORROW
MORROW & ARTIM, P.C.
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_____/s/ Joshua Thomas_____
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EXHIBIT A

STATE OF OHIO
IN THE COURT OF COMMON PLEAS OF CUYAHOGA COUNTY
CIVIL DIVISION

JAMES SHELTON,
11304 Hessler Road
Cleveland, OH 44106
Plaintiff,

vs.

BLINDBID INC d/b/a TCPA LITIGATOR,
LIST
405 Cherry Hills Way
Colorado Springs, CO 80921

MICHAEL CONVEY O'HARE
405 Cherry Hills Way
Colorado Springs, CO 80921

Defendants.

TRANSCRIPT OF AUDIO RECORDINGS

TRANSCRIBED: MAY 15, 2020

TRANSCRIPT PROVIDED BY:
Stevens-Koenig Reporting
A Veritext Company
700 17th Street, Suite 1750
Denver, Colorado 80202
303-988-8470

1 (Beginning of audio recording.)

2 MR. SHELTON: See -- look -- right. This is
3 what I would do. So I type in your name.

4 You live in Colorado Springs?

5 MR. O'HARE: Yes.

6 MR. SHELTON: That's a super nice area. I've
7 been there a few times. I -- my dad is good friends with a guy
8 that was in the Air Force. He's a colonel. He's retired now.
9 But they were stationed on the U.S. Air Force base. And so we
10 went out there and stayed at their place for a couple days, and
11 then we went skiing, which was really, really great. A really
12 good time. So I'm somewhat familiar with the area.

13 Yes, I would -- I would run you -- I would
14 see -- okay. You know, you have a house in Colorado Springs.
15 Loan him out 340,000. So then I would type in your property,
16 pull it up on sale. It's worth 512,000. So I'd be like, All
17 right, that's a pretty nice house. You have, like, a lot of
18 people -- I don't know if you're (inaudible).

19 MR. O'HARE: But -- but -- but, James --
20 because the house -- when I bought it for 340, it was worth
21 340. Okay. It went up --

22 MR. SHELTON: Right.

23 MR. O'HARE: -- in the past three years.

24 MR. SHELTON: It's going to go up, and then
25 it's going to go down, because the real estate market is

1 going to go down.

2 MR. O'HARE: Yeah. So -- but, I mean,
3 it's -- but -- but I -- you know, if my value of the house went
4 up 100,000 the last three years, it's not because -- you know,
5 it's more luck than anything else, you know. It's just a lot
6 of people wanted to move out here.

7 MR. SHELTON: Yeah. And you don't -- you don't
8 have -- you don't have any expensive vehicles. So I would say
9 you're not rich by any means. But if I had a judgment against
10 you, I mean, I 100 percent could put a lien against your house.

11 And -- and that would be a sizable amount of
12 equity that I could conceivably take, if it's -- if it's really
13 worth that much. But that's just the -- so that would be my
14 analysis. Right?

15 I would say, Okay, you have two six- or
16 seven-year-old cars. I would just kind of look at you like,
17 All right, you know. But depending on collectability, I look
18 at it as where someone lives and what they're driving, what
19 their lifestyle is.

20 So --

21 MR. O'HARE: Yeah. We --

22 MR. SHELTON: -- that's a far cry
23 from -- that's a far cry from someone that lives in Calabasas;
24 or Beverly Hills; or, you know, Santa Anna, California, for
25 example; Newport Beach.

1 (End of audio recording.)

2 * * * * *

3 (Beginning of audio recording.)

4 MR. SHELTON: I'll tell you what,
5 because -- because you run -- because you can run them -- you
6 can run her on Lexis -- not the Lexis; on TLO.

7 (End of audio recording.)

8 * * * * *

9 (Beginning of audio recording.)

10 MR. O'HARE: I don't know why I --

11 MR. SHELTON: I have -- I have Clear Choice
12 Credit. For 10 bucks, you can run -- it's \$9.50 each -- you
13 can run -- you can pull a credit report, TransUnion or Equifax.
14 All you need to have is Social, date of birth, address. It's
15 very --

16 MR. O'HARE: Okay. Well, take --

17 MR. SHELTON: -- very easy.

18 (End of audio recording.)

19 * * * * *

20 (Beginning of audio recording.)

21 MR. SHELTON: I understand. It's like -- I
22 research these people a lot before I even write them a demand
23 letter, because I want to know, Okay, do they own real
24 property? Do they have bank accounts? Do they have money?
25 How -- how big is their company? How many employees do they

1 have?

2 All that -- I research that stuff in advance.
3 And if they're a small -- if they're -- if they're driving a
4 brand new Mercedes or -- or a Lambo or something, or they're
5 living in a brand new house, then they can afford to pay me.

6 If there's someone living in their apartment,
7 has no money, is driving a 1995 truck, I mean --

8 (End of audio recording.)

9 * * * * *

10 (Beginning of audio recording.)

11 MR. O'HARE: How do you -- how do you justify
12 that --

13 MR. SHELTON: Yeah. No. You're right. No.
14 We're pillaging them. No. We're absolutely pillaging them. I
15 mean, that's -- that's the point.

16 (End of audio recording.)

17 * * * * *

18 (Beginning of audio recording.)

19 MR. SHELTON: Meanwhile, I know -- I know where
20 the person banks before I even -- before I even file the case,
21 and how much money they have.

22 (End of audio recording.)

23 * * * * *

24 (Beginning of audio recording.)

25 MR. SHELTON: I just justify it as, Hey, I want

1 to make some money, and, I mean, that's --

2 (End of audio recording.)

3 * * * * *

4 (Beginning of audio recording.)

5 MR. O'HARE: What? Okay. You find the
6 company. They call you. I mean, are you then going to go say,
7 Hey, Craig -- Craig Cunningham or these other -- Rayburn
8 (phonetic) or whoever -- Hey, Michael, here's an easy target?

9 MR. SHELTON: Oh, yeah. Absolutely. Because
10 what we do is -- not you in particular, but, like, what -- what
11 we'll do is we'll say, Hey, yeah, these guys just paid me "X"
12 number of dollars, or, Hey, you know, I just collected a
13 judgment against these guys. I just made \$20,000. Yo. Any of
14 you guys got any calls? Yeah. Sure have. Let's go after
15 them.

16 (End of audio recording.)

17 * * * * *

18 (Beginning of audio recording.)

19 MR. O'HARE: Well, what --

20 MR. SHELTON: Here's the thing -- here's the
21 thing: Like, I sue the people individually and get -- get
22 individual liability. So that's the first hurdle. So you can
23 close your company up, but I'm going -- but I'm going to have a
24 judgment against you personally. And that's going -- that's
25 going to mean that I can still levy your personal account.

1 If you own a real -- if you own real property,
2 I can put a lien against it, or I can even -- I mean, I can
3 take -- take it if I want. If -- if there's equity in it, I
4 can take the house. I mean, that -- there's a ton of
5 weapons --

6 MR. O'HARE: Would you do that? Would you do
7 that?

8 MR. SHELTON: -- that I can use.

9 Yeah. We're in the process of doing it to
10 someone in -- in Southern California right now. But
11 they're -- they're scumbags. They're -- have you -- do you
12 have any extended auto warranty --

13 (End of audio recording.)

14 * * * * *

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REPORTER'S CERTIFICATE

I, Laurel S. Tubbs, do hereby certify that I am a Professional Shorthand Reporter and Notary Public within the State of Colorado.

I further certify that the foregoing transcript constitutes a true and correct transcript to the best of my ability to hear and understand the audio recording.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the result of the within action.

My commission expires September 1, 2023.

A handwritten signature in dark ink, appearing to read "Laurel S. Tubbs", is written in a cursive style.

LAUREL S. TUBBS

Registered Professional Reporter
and Notary Public

[1 - guys]

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[hear - sue]

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[suite - yo]

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EXHIBIT B

JACOVETTI LAW, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 telephone / (877) 212-9156 facsimile
cs@jacovettilaw.com

May 1, 2020

Heidarpour Law Firm, PLLC
1300 Pennsylvania Avenue, NW 190-318
Washington, DC 20004

VIA FIRST CLASS MAIL

RE: Violation of the Telephone Consumer Protection Act

Dear Andrew:

Jacovetti Law, P.C. sends this letter in response to your demand letter sent to my clients dated April 14, 2020. As described in my response letter dated October 11, 2019 with respect to your two previous baseless demands, this instant demand to is baseless.

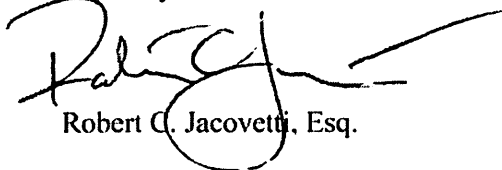
As previously stated it is my clients business practice to purchase and use "opt-in" data records that are then "scrubbed" both against an internal database and again against the National Do-Not-Call (DNC) Registry. Only after a record is successfully processed through this procedure is the data used to make HAND-DIALED calls. Subsequently if a representative is advised to place the telephone number on a DNC list - that is done so immediately.

April 14, 2020

In response to your demand contained in your April 2020 letter, the telephone number you stated as my client's telephone number (973-348-3770), belongs to another company. See attached. This number does not belong to my client. Additionally, the wireless telephone number 831-737-7919 is not included in any records that are in my client's possession.

If you wish to discuss these demands in a courtious manner, I am open to doing so in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Jacovetti", with a long horizontal flourish extending to the right.

Robert C. Jacovetti, Esq.

encs.

cs@jacovettilaw.com

4/28/2020

Who called you from 9733483770 (+19733483770) ? | shouldianswer.com



SHOULD I ANSWER?

CALLED YOU FROM 9733483770 ?

+1 973-348-3770NEGATIVE TELEMARKETER
fixed or mobile line
United States, New Jersey

umber **9733483770** has negative rating. 19 users rated it as negative. Approximated caller location is WARREN, SOMERSI ZIP code is 07059. It's registered in AT&T LOCAL. This phone number is mostly categorized as **Telemarketer** (9 times), ted call (6 times) and Financial services (2 times). This ratings are based on reports of visitors of this web site and report: our protection agains unwanted calls which is available for free on Google Play.

INITY REVIEWS

of the reviews are written by real users of our applications or visitors of this website. The content of reviews contains rea ice with the phone number. In most cases the reviews are short because written on mobile devices. Short reviews are als nd can help others. Please be aware that reviews violating our terms of use are removed or censored.

Horrible, disgusting, vulgar comments. They don't stop calling! (Financial services) *Don* 04
They keep calling trying to give me a business loan. You argue with them time after time to stop calling and yet they don't stop. They will have another # call immediately from Colorado just to **** you off further. They make **** comments sexually toward my spouse eve though I'm not married. I wish they would go away!!!

Financial services *SIA User*

2 m

Telemarketer *FTC DNC Complaint*

3 m

4/28/2020

Who called you from 9733483770 (+19733483770) ? | shouldianswer.com

Telemarketer 174.221.133.xxx
business debt adjuster

4 min

Unsolicited call 174.254.195.xxx
business loans

6 min

Unsolicited call *FTC DNC Complaint*

6 min

Unsolicited call *FTC DNC Complaint*

6 min

Telemarketer 107.77.226.xxx
get out boy

6 min

Unsolicited call *FTC DNC Complaint*

7 min

Telemarketer SA User

7 min

Scam call *milesAnn*
keeps calling but never leaves a message

8 min

Telemarketer *FTC DNC Complaint*

9 min

Telemarketer *FTC DNC Complaint*

13 min

Unsolicited call 174.58.19.xxx
hangs up early

16 min

Telemarketer 24.186.211.xxx
Brooklyn driving specialist

16 min

4/28/2020

Who called you from 9733483770 (+19733483770) ? | shouldianswer.com

Unsolicited call 172.58.217.xxx
Unknown caller,no message left

17 m

YOUR RATING

Keep the information just for yourself. Describe Your experience using our form and You will help also the other users. The review.

Did this number call you?

NO

YOU SHOULD KNOW

It is important to be prepared to new threats. That's why our team writes stories which could help you to identify and protect a frauds. Here are some tips to our stories, but feel free to visit our stories section for next useful tips.

Your child's first cell phone. A useful guide for parents

Who called? Find out for free

How do Americans fight robocalls? Read the latest data

[More Stories »](#)

2 PHONE NUMBERS

These unwanted calls are conducted from similar phone numbers - good to know! Here is a list of similar phone numbers stored in our database.

| | | | | | |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| <u>9733483764</u> | <u>9733483765</u> | <u>9733483766</u> | <u>9733483767</u> | <u>9733483768</u> | <u>9733483769</u> |
| <u>9733483771</u> | <u>9733483772</u> | <u>9733483773</u> | <u>9733483774</u> | <u>9733483775</u> | <u>9733483776</u> |

4/28/2020

Who called you from 9733483770 (+19733483770) ? | shouldianswer.com

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1300 Pennsylvania Ave. NW 190-318
Washington, D.C. 20004
AHeidarpour@HLFirm.com
TEL: (202) 234-2727



Andrew W. Heidarpour, Esq
D.C BAR # 1022137

April 14, 2020

Via Email: troy@centuryrelief.com; louis@centuryrelief.com; adam@centuryrelief.com; terrell@centuryrelief.com; grace@centuryrelief.com

**Century Relief
ATTN: LEGAL DEPARTMENT**

Re: Violation of the Telephone Consumer Protection Act

To Whom It May Concern:

My Client, Mariano Benitez (Client), wishes to bring to your attention a telemarketing concern. In January and March of 2020, my Client received unsolicited telemarketing calls to their wireless line 831-737-7919 from your company, or some company on your behalf, from number 973-348-3770. My Client did not provide their consent to your company to make these telemarketing calls. It is my understanding that according to the Telephone Consumer Protection Act, it is illegal to make marketing calls to any wireless line using an ATDS or Pre-Recorded message without first obtaining the express written consent of the recipient or business. Furthermore, the number in question is also on the National Do-Not-Call (DNC) Registry, thus constituting DNC violations as well.

Please forward to my attention all documents that evidence any purported consent to receive telemarketing calls from your company, as well as any other documents that support your position there is no claim against your company, if that is your contention. Before my Client proceeds with a formal claim, they wish to give your company the opportunity to explain their actions. Please forward this information to my attention by April 21, 2020. If we do not hear from you at that time, my Client will consider all legal remedies available, including but not limited to, filing a claim in Federal Court. By sending this letter, you as well as any third parties that you worked with related to the telephone campaign at issue, are hereby notified of your obligation to preserve all electronic and non-electronic files regarding this claim. This includes, but is not limited to, all e-mail communications and records reflecting telephone calls.

Sincerely,

Heidarpour Law Firm, PLLC

A handwritten signature in black ink, appearing to read "Andrew W. Heidarpour", is written over the printed name.

Andrew W. Heidarpour, Esq

JACOVETTI LAW, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 telephone / (877) 212-9156 facsimile
cs@jacovettilaw.com

October 11, 2019

Heidarpour Law Firm, PLLC
1300 Pennsylvania Avenue, NW 190-318
Washington, DC 20004

VIA FIRST CLASS MAIL

RE: Violation of the Telephone Consumer Protection Act

Dear Andrew:

Jacovetti Law, P.C. sends this letter in response to your demand letters sent to my clients dated June 24, 2019 and October 8, 2019. First, I must note that this is my first experience during my years of practice that an opposing counsel refused to speak with me about a matter on a telephone call. Your lack of professional courtesy is noteworthy.

I have conducted an interview with my clients. Please be advised that it is my clients business practice to purchase and use "opt-in" data records that are then "scrubbed" both against an internal database and again against the National Do-Not-Call (DNC) Registry. Only after a record is successfully processed through this procedure is the data used to make HAND-DIALED calls. Subsequently if a representative is advised to place the telephone number on a DNC list - that is done so immediately.

June 24, 2019

In response to your demand contained in your June 2019 letter, the telephone number 510-540-7210 in the control of your corporate client Abante Rooter and Plumbing, Inc. was placed on an internal DNC list on February 19, 2019 at 12:07 pm. No further hand-dialed calls were placed to this telephone number by my client.

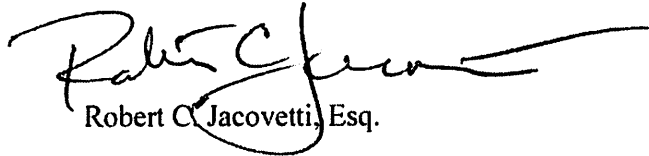
October 8, 2019

In response to your demand contained in your October 2019 letter, the telephone number 805-520-9210 in the control of your client Terry Fabricant was placed on a internal DNC list on October 7, 2019 at 12:10 pm. No further hand-dialed calls were placed to this telephone number by my client.

JACOVETTI LAW, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 telephone / (877) 212-9156 facsimile
cs@jacovettilaw.com

If you wish to discuss these demands in a courtesy manner, I am open to doing so in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Jacovetti", with a long horizontal flourish extending to the right.

Robert C. Jacovetti, Esq.

encs.

1300 Pennsylvania Ave. NW 190-318
Washington, D.C. 20004
AHeidarpour@HLFirm.com
TEL: (202) 234-2727



Heidarpour Law Firm, PLLC

Andrew W. Heidarpour, Esq
D.C BAR # 1022137

October 8, 2019

Via Email: louis@centuryrelief.com; adam@centuryrelief.com; louis@centuryrelief.com;
kevin@centuryrelief.com; grace@centuryrelief.com

Century Relief
ATTN: LEGAL DEPARTMENT

Re: Violation of the Telephone Consumer Protection Act

To Whom It May Concern:

My Client, Terry Fabricant (Client), wishes to bring to your attention a telemarketing concern. In September and October of 2019, my Client received multiple unsolicited telemarketing calls to their wireless line 805-520-9210, from your company, or some company on your behalf, from numbers 805-870-9176, 646-506-3453, 201-579-5221, 805-870-9176, and 347-707-7958. My Client did not provide their consent to your company to make these telemarketing calls. It is my understanding that according to the Telephone Consumer Protection Act, it is illegal to make marketing calls to any wireless line using an ATDS or Pre-Recorded message without first obtaining the express written consent of the recipient or business. Furthermore, the number in question is also on the National Do-Not-Call (DNC) Registry, thus constituting DNC violations as well.

Please forward to my attention all documents that evidence any purported consent to receive telemarketing calls from your company, as well as any other documents that support your position there is no claim against your company, if that is your contention. Before my Client proceeds with a formal claim, they wish to give your company the opportunity to explain their actions. Please forward this information to my attention by October 15, 2019. If we do not hear from you at that time, my Client will consider all legal remedies available, including but not limited to, filing a claim in Federal Court. By sending this letter, you as well as any third parties that you worked with related to the telephone campaign at issue, are hereby notified of your obligation to preserve all electronic and non-electronic files regarding this claim. This includes, but is not limited to, all e-mail communications and records reflecting telephone calls.

Sincerely,

Heidarpour Law Firm, PLLC

A handwritten signature in black ink, appearing to read "Andrew W. Heidarpour".

Andrew W. Heidarpour, Esq

1300 Pennsylvania Ave. NW 190-318
Washington, D.C. 20004
AHeidarpour@HLFirm.com
TEL: (202) 234-2727



Heidarpour Law Firm, PLLC

Andrew W. Heidarpour, Esq
D.C BAR # 1022137

June 24, 2019

Via Email: grace@businessdebtexperts.com; info@businessdebtexperts.com;
barry@businessdebtexperts.com

Business Debt Expert / Renaissance Capital Group, LLC
ATTN: LEGAL DEPARTMENT
1644 East 14th St
Brooklyn, NY 11229

Re: Violation of the Telephone Consumer Protection Act

To Whom It May Concern:

My Client, Abante Rooter and Plumbing, Inc (Client), wishes to bring to your attention a telemarketing concern. In January and February of 2019, my Client received multiple unsolicited telemarketing calls to their wireless line 510-540-7210, from your company, or some company on your behalf. My Client did not provide their consent to your company to make these telemarketing calls. It is my understanding that according to the Telephone Consumer Protection Act, it is illegal to make marketing calls to any wireless line using an ATDS or Pre-Recorded message without first obtaining the express written consent of the recipient or business. Furthermore, the number in question is also on the National Do-Not-Call (DNC) Registry, thus constituting DNC violations as well.

Please forward to my attention all documents that evidence any purported consent to receive telemarketing calls from your company, as well as any other documents that support your position there is no claim against your company, if that is your contention. Before my Client proceeds with a formal claim, they wish to give your company the opportunity to explain their actions. Please forward this information to my attention by July 1, 2019. If we do not hear from you at that time, my Client will consider all legal remedies available, including but not limited to, filing a claim in Federal Court. By sending this letter, you as well as any third parties that you worked with related to the telephone campaign at issue, are hereby notified of your obligation to preserve all electronic and non-electronic files regarding this claim. This includes, but is not limited to, all e-mail communications and records reflecting telephone calls.

Sincerely,

Heidarpour Law Firm, PLLC

Andrew W. Heidarpour, Esq

www.HLFirm.com

From: Robert Jacovetti <rcjesq@jacovettilaw.com>

Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Date: May 29, 2020 at 2:47:46 PM EDT

To: Andrew Heidarpour <aheidarpour@hlfirm.com>

They are not unlawful.

Again, I think a telephone conversation would be helpful to resolve this amicably.

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 29, 2020, at 2:45 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Robert, I sent an email on May 11 with four attachments. On May 22, you informed me your client was reviewing the emails. Your client has had 18 days to review a few pages of documents.

What is your client's position regarding those emails?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Friday, May 29, 2020 2:30 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Once again - I believe a telephone conversation would do very well before you take action.

What time are you available to speak next Tuesday?

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone

(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 29, 2020, at 10:47 AM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Hi Robert, any update?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Friday, May 22, 2020 10:43 AM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

I have been out - Forward the emails to my client and they are under review.

I will email you when we return from the Memorial Day holiday.

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 20, 2020, at 12:32 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Robert, we have waited long enough.

Are you authorized to accept service?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Andrew Heidarpour <aheidarpour@hlfirm.com>
Sent: Friday, May 15, 2020 7:12 PM
To: Robert Jacovetti <rcjesq@jacovettilaw.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Any update Robert?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Andrew Heidarpour <aheidarpour@hlfirm.com>
Sent: Monday, May 11, 2020 1:30 PM
To: Robert Jacovetti <rcjesq@jacovettilaw.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

They are attached.

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Friday, May 8, 2020 3:01 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Send me copies of the emails and I will present them to my client.

Regards,

Robert Jacovetti, Esq.
Jacovetti Law, P.C.

194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 8, 2020, at 2:51 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Robert, I would speak with your client again. If they did not call my client, and the number is not your client's, why or how was my client speaking to Troy, Louis, and Mark, all of whom sent emails to the client? All of which are from Century Debt Relief.

Please also confirm your client does not use an Automatic Telephone Dialing System.

Furthermore, my client's number is on the DNC, and was still called.

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Friday, May 8, 2020 2:27 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Didn't you receive the letter? You should have - see attachment.

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 8, 2020, at 2:13 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

I assume you will not provide a copy?

Service of process will be sent shortly.

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Andrew Heidarpour <aheidarpour@hlfirm.com>
Sent: Friday, May 1, 2020 3:50 PM
To: Robert Jacovetti <rcjesq@jacovettilaw.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Can a copy be sent via email?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com

AHeidarpour@HLFirm.com

[P] [202-234-2727](#)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Friday, May 1, 2020 3:35 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Our response letter is drafted and will be mailed today.

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On May 1, 2020, at 1:56 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Hi Robert, any update?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Tuesday, April 28, 2020 2:37 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Yes - I am drafting a formal response letter that will be sent to you within the next day or two.

Once again, my client does not use an auto-dialer, nor does my client engage in "Press 1" campaigns.

The telephone number documented in your letter does not appear in my clients system. Finally, the telephone number that you attribute to my client does not belong to my client.

These facts, together with other factual information, will be included in my forthcoming response letter together.

Regards,
Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On Apr 28, 2020, at 1:53 PM, Andrew Heidarpour <aheidarpour@hlfirm.com> wrote:

Robert, did you investigate the calls?

Regards

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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From: Robert Jacovetti <rcjesq@jacovettilaw.com>
Sent: Tuesday, April 21, 2020 1:10 PM
To: Andrew Heidarpour <aheidarpour@hlfirm.com>
Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

Andrew,

Please be advised that due to the pandemic, and the impact that has had on my staff, my response has been delayed. I will respond via letter as soon as practicable.

Attached please find your demand letter dated April 14, 2020, as well as our response letter to the two previous demands sent to my client.

Additionally, it has come to my attention that you are purposely directing demands to my client employees - cease and desist.

Finally, my attempts to communicate with you directly during your previous two demands were rejected by you. I feel that it would helpful if we schedule a telephone call.

Regards,

Robert

Robert Jacovetti, Esq.
Jacovetti Law, P.C.
194 Old Country Road
Mineola, New York 11501
(516) 744-5454 Telephone
(877) 212-9156 Facsimile
rcjesq@jacovettilaw.com
www.jacovettilaw.com

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On Apr 21, 2020, at 12:18 PM, Emil Yashayev <emil@centuryrelief.com> wrote:

This attorney is emailing everybody individually and harassing the employees

----- Forwarded message -----

From: **Louis Abramson** <louis@centuryrelief.com>

Date: Tue, Apr 21, 2020 at 12:18 PM

Subject: Fwd: Pre-Suit Notification of Federal Telemarketing Law Violation

To: Barry Shargel <barry@centuryrelief.com>, Emil Yashayev
<emil@centuryrelief.com>

----- Forwarded message -----

From: **Andrew Heidarpour** <aheidarpour@hlfirm.com>

Date: Tue, Apr 21, 2020 at 10:55 AM

Subject: Re: Pre-Suit Notification of Federal Telemarketing Law Violation

To: troy@centuryrelief.com <troy@centuryrelief.com>, louis@centuryrelief.com <louis@centuryrelief.com>, adam@centuryrelief.com <adam@centuryrelief.com>, terrell@centuryrelief.com <terrell@centuryrelief.com>, grace@centuryrelief.com <grace@centuryrelief.com>

Hi, my firm previously sent correspondence regarding violations of the TCPA, but have yet to receive a response.

Was my prior correspondence received?

Regards

Andrew Heidarpour

Heidarpour Law Firm, PLLC

www.HLFirm.com

AHeidarpour@HLFirm.com

[P] [202-234-2727](tel:202-234-2727)

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From: Andrew Heidarpour

Sent: Tuesday, April 14, 2020 1:56 PM

To: troy@centuryrelief.com <troy@centuryrelief.com>; louis@centuryrelief.com <louis@centuryrelief.com>; adam@centuryrelief.com <adam@centuryrelief.com>; terrell@centuryrelief.com <terrell@centuryrelief.com>; grace@centuryrelief.com <grace@centuryrelief.com>

Subject: Pre-Suit Notification of Federal Telemarketing Law Violation

ATTN: LEGAL DEPARTMENT

Hi, my name is Andrew Heidarpour from Heidarpour Law Firm, PLLC. I am sending this correspondence on behalf of my client. Please review it at your earliest convenience.

Thank you

Andrew Heidarpour
Heidarpour Law Firm, PLLC
www.HLFirm.com
AHeidarpour@HLFirm.com
[P] [202-234-2727](tel:202-234-2727)

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Best Regards,

Emil Yashayev
Chief Financial Officer
Direct: 718-864-1216 | Fax: 800-660-5292
Emil@centuryrelief.com | www.centuryrelief.com

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Josh Thomas <joshualthomas@gmail.com> 12:07 PM (50 minutes ago)

to Robert

Got both thanks.

Joshua Thomas, Esq.

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Communication Privacy Act of 1986, 18 U. S. C. 2701(a) and 2702(a)]

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From: Andrew Heidarpour

Sent: Tuesday, April 14, 2020 1:56 PM

To: troy@centuryrelief.com <troy@centuryrelief.com>; louis@centuryrelief.com <louis@centuryrelief.com>; adam@centuryrelief.com <adam@centuryrelief.com>; terrell@centuryrelief.com <terrell@centuryrelief.com>

yrelief.com>;grace@centuryrelief.com <grace@centuryrelief.com>

Subject: Pre-Suit Notification of Federal Telemarketing Law Violation

ATTN: LEGAL DEPARTMENT

Hi, my name is Andrew Heidarpour from Heidarpour Law Firm, PLLC. I am sending this correspondence on behalf of my client. Please review it at your earliest convenience.

Thank you

Andrew Heidarpour

Heidarpour Law Firm, PLLC

www.HLFirm.com

AHeidarpour@HLFirm.com

[P] [202-234-2727](tel:202-234-2727)

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Best Regards,

Emil Yashayev

Chief Financial Officer

Direct: 718-864-1216 | Fax: 800-660-5292

Emil@centuryrelief.com | www.centuryrelief.com

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EXHIBIT C



NUMBER OF CASES IN JAN-MAR